



ILLINOIS COMMERCE COMMISSION

August 17, 2005

The Department of Transportation of the State of Illinois, for and in behalf of
the People of the State of Illinois,
Petitioner,

vs.

BNSF Railway Company, f/k/a Burlington Northern Santa Fe Railway
Company,
Respondent,

Petition for approval of the taking or damaging of certain properties in
McDonough County, Illinois by exercising the right of eminent domain. Parcel
Nos. 409U018PE and 409U018TE.

Mr. Stanley L. Morris
Quinn, Johnston, Henderson
& Pretorius, Chartered
205 South Fifth Street, Suite 900
Springfield, IL 62701

Dear Mr. Morris:

Receipt is acknowledged of the original and three (3) copies of the Petition filed August 15, 2005
in the above matter.

**All future correspondence/pleadings should be filed with an original and two (2) copies
and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce
Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original
electronically through E-docket if you have an account. To apply for an account, please log on to
www.icc.state.il.us and apply for an E-docket account.**

Processing and Information Section

KI

Cc: Mr. Victor A. Modeer, IDOT
Ms. Ellen Schanzle-Haskins, IDOT
Mr. Michael L. Sazdanoff, attorney BNSF
Mr. W. Douglas Werner, BNSF
Mr. Mark Leemon, BNSF
Mr. Joshua K. Richardson, McDonough County

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and in
behalf of the People of the State of Illinois,

Petitioner,

vs.

BNSF RAILWAY COMPANY, f/k/a
BURLINGTON NORTHERN SANTA FE
RAILWAY COMPANY,

Respondent.

No.

705-0046

TRANSPORTATION DIV.

2005 AUG 15 P 3:27

ILLINOIS COMMERCE
COMMISSION

(Parcel 409U018PE and 409U018TE)

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF
ILLINOIS, Petitioner, by LISA MADIGAN, ATTORNEY GENERAL and STANLEY L.
MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take
Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FAP
Route 315 (Ill. Route 336), a State highway under the control and jurisdiction of Petitioner,
in McDonough County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS
5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter
described and legally described as set out in Exhibits "A" and "B" attached hereto and
incorporated by this reference, are required for Petitioner's construction of non-Freeway
FAP Route 315, Section 55-2, McDonough County, Illinois (hereafter the "Project").

DOCKETED

AUG 17 2005

2. Respondent, BNSF RAILWAY COMPANY, f/k/a BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY ("BNSF"), is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.

4. The Project is a public work, is for public use and constitutes a public purpose, in McDonough County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a permanent easement in Parcel No. 409U018PE, more particularly described in Exhibit "A" attached hereto, and a temporary easement in Parcel No. 409U018TE, more particularly described in Exhibit "B" attached hereto, for the lesser of three years from the date Petitioner takes possession of said property or until the completion of construction. Said parcel is located approximately 1-3/4 miles west of Macomb, Illinois, between Gold Hills Road and Township Road 226.

5. The compensation to be paid by the Petitioner to the Respondent for these parcels or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent, BNSF, a permanent easement in Parcel No. 409U018PE more particularly described in attached Exhibit "A", and a temporary easement in Parcel No. 409U018TE, more particularly described in attached Exhibit "B", for the lesser of three years from the date Petitioner takes possession of said property or until completion of construction, all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

LISA MADIGAN, ATTORNEY GENERAL

By 

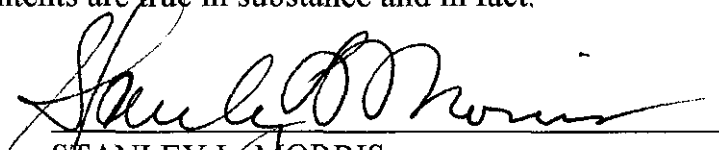
Stanley L. Morris

Special Assistant Attorney General

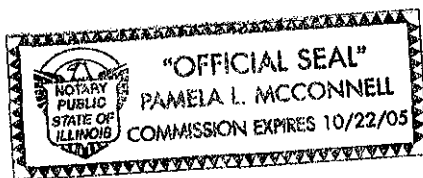
Stanley L. Morris
Special Assistant Attorney General
205 South Fifth Street, Suite 900
Springfield, IL 62701
Telephone: (217) 753-1133


STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.


STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 15th day of August, 2005.





Notary Public

PROOF OF SERVICE

The undersigned certifies that on August 15, 2005, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

Burlington Northern & Santa Fe Railway Company
c/o Stanbach Company
Attn: Yvonne Worsham
3017 Lou Menk Drive, Suite 100
Ft. Worth, TX 76131

BNSF Railway Company,
f/k/a Burlington Northern Santa Fe Railway Company
c/o Michael Szdanoff, Registered Agent
Kenneth J. Wysoglad & Associates
118 South Clinton Street, Suite 700
Chicago, IL 60661



A part of the Northeast Quarter and Southeast Quarter of Section 21, Township 5 North, Range 4 West of the Fourth Principal Meridian, McDonough County, Illinois, described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 21; thence North 0 degrees 46 minutes 19 seconds East along the east line of said Northeast Quarter, 185.84 feet to the southeasterly right-of-way line of the Burlington Northern and Santa Fe Railroad, being the Point of Beginning, said point also being 85.61 normally distant northerly from the proposed centerline of FAP Route 315; thence South 57 degrees 37 minutes 34 seconds West along said southeasterly right-of-way line, 658.73 feet to a point being 285.58 feet normally distant southerly from said centerline; thence North 32 degrees 23 minutes 28 seconds West, 100.00 feet to the said northwesterly right-of-way line of said Burlington Northern and Santa Fe Railroad, said point being 202.98 feet normally distant southerly from said centerline; thence North 57 degrees 37 minutes 34 seconds East on said northwesterly right-of-way line, 724.85 feet to a point being 205.46 feet normally distant northerly from said centerline; thence South 74 degrees 21 minutes 33 seconds East, 134.53 feet to said southeasterly right-of-way line, said point being 173.56 feet normally distant northerly from said Centerline; thence South 57 degrees 37 minutes 34 seconds West along said southeasterly right-of-way line, 156.08 feet to the Point of Beginning, containing 76,984 square feet, or 1.767 acres, more or less.

409U018PER1



A part of Lots 3, 4 and 6 in the Northwest Quarter of Section 22, Township 5 North, Range 4 West of the Fourth Principal Meridian, McDonough County, Illinois, described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of said Section 22; thence North 0 degrees 46 minutes 19 seconds East, 305.28 feet to the Northwestern Right-of-Way line of the Burlington Northern and Santa Fe Railroad; thence North 57 degrees 37 minutes 34 seconds East along said Northwestern Right-of-Way Line, 624.59 feet to the Point of Beginning, said point being 135.82 feet normally distant Southerly from the proposed Centerline of Relocated IL Route 136 at Station 25+47.10; thence North 57 degrees 37 minutes 34 seconds East along the northerly right-of-way line of said Burlington and Northern Railroad, 888.26 feet to a point being 60.95 feet normally distant Southerly from said Centerline Station 33+99.01; thence South 32 degrees 22 minutes 30 seconds East, 10.00 feet to a point being 70.95 feet normally distant Southerly from said Centerline Station 33+98.86; thence South 57 degrees 37 minutes 34 seconds West, 888.26 feet to a point being 145.29 feet normally distant Southerly from said Centerline Station 25+50.00; thence North 32 degrees 22 minutes 31 seconds West, 10.00 feet to the Point of Beginning, containing 8,883 square feet, or 0.204 acre, more or less.

It is not the intent of this instrument to encumber any building or structure lying within this easement area.

The said Real Estate being also shown by the plat hereto attached and made a part hereof.

409U018TER1

